

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

In re Application of: Norbert Rimoux                      Art Unit:        NOT YETKNOWN  
 Serial No.:                      09/845,381                      Examiner:        NOT YET KNOWN  
 For:                                METHOD AND SYSTEM FOR ADAPTIVE LEARNING AND  
    PATTERN RECOGNITION  
 Date:                                February 23, 2004

Mail Stop Petition  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
 BASED ON FAILURE TO RECEIVE NOTICE TO FILE MISSING PARTS**

SIR:

Applicant hereby petitions pursuant to MPEP 711.03(c)II that the Commissioner withdraw the holding of abandonment in the above-identified patent application ("the Application").

The facts of the case are as follows:

1. On or about January 30, 2004, in the course of looking up the USPTO's PAIR system (United States Patent and Trademark Office's Patent Application Information Retrieval), Applicants' attorneys uncovered the Application's status as being abandoned.
2. Not knowing why the Application should be deemed abandoned, the docket record for the Application and the physical file jacket from the record room were retrieved.
3. A copy of the docket record is attached as Exhibit A.
4. A copy of the front cover of the file jacket is attached as Exhibit B.

**RECEIVED**

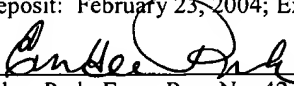
**MAR 01 2004**

CERTIFICATE OF MAILING

TECHNOLOGY CENTER R3700

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated below and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: February 23, 2004; Express Mail label number: EJ622909148US.

  
 Eunhee Park, Esq. Reg. No. 42,976

Date: February 23, 2004

5. A search in the docket record (Exhibit A) shows no entry for the Notice to File Missing Parts. If the Notice to File Missing Parts was received, it would have been entered as an action item in the docket record. The docket system would then have automatically populated a reply date of 2 months from the date of the Notice to File Missing Parts.

6. A search in the docket record (Exhibit A) also shows no entry for the Notice of Abandonment. If the Notice of Abandonment was received, it would have been entered in the docket record and appear as a row item in the docket record.

7. A manual search in the file jacket indicates that neither the Notice to File Missing Parts nor the Notice of Abandonment was received. If the Notice to File Missing Parts and the Notice of Abandonment were received, they would be present in the file jacket. They are not in the file jacket.

8. If the Notice to File Missing Parts was received, the front cover of the file jacket (Exhibit B) would have appropriate entries entered under the "Date of Off Actions" column, "Description" column, "Response Due" column, "Atty." column. No such entries appear on the file jacket cover.

9. After verifying that the status of the Application under the USPTO PAIR system is erroneous, Applicant's attorney contacted the Customer Service Center Initial Patent Examination Division, inquiring about the reason for the status of abandonment.

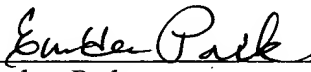
10. The customer service personnel informed the Applicant's attorney that a Notice to File Missing Parts was mailed on June 27, 2001, and that a Notice of Abandonment was mailed on August 26, 2002.

11. Applicant's attorney requested facsimile copies of the Notice to File Missing Parts and the Notice of Abandonment (Exhibit C).

From the above facts, Applicants submit that the abandonment of the application should be withdrawn because Notice to File Missing Parts and Notice of Abandonment were not received, and the Applicant's attorney only recently uncovered the application's status as being abandoned.

No fee is believed due with the filing of this petition. However, if any fee is due, or to credit any overpayment, the Commissioner for Patents is hereby authorized to charge Deposit Account no. 02-0393 of Baker & McKenzie.

Respectfully submitted,

  
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Eunhee Park  
Registration No.: 42,976  
Baker & McKenzie  
805 Third Avenue  
New York, NY 10022  
(212) 751-5700